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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yves Dordet

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EXAMINER

FAYYAZ, NASHMIYA SAQIB

ART UNIT

PAPER NUMBER

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DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,748	Applicant(s) DORDET, YVES	
	Examiner Nashmiya S. Fayyaz	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, it is unclear what is being designated by the recitation "fixed member portion" (lines 16-17) or a member ...having a portion disposed outside said orifice" (line 10), etc. Is this referring to the nut 17 or part 15b of collar 15? If it is referring to part 15b, then it is unclear how this portion is "releasable from the remainder of said fixed member"? If it is referring to nut 17, it is unclear how the functional member "having a portion confronting said portion of said fixed member in a direction parallel" to the longitudinal axis of the orifice. It is noted that the terminology of a fixed member portion has not been found in the specification for any clarification and that both limitations as recited above cannot be met by either expediency. Clarification is required. In claim 14, "said operating member" lacks antecedent basis. With regard to claims 17 and 19, it is unclear how the fixed member portion differs from the collar or nut. In claim 18, again it is

unclear what is being designated by the recitation "fixed member portion" (lines 17-18) or a member ...having a portion disposed outside said orifice" (line 13), etc. Is this referring to the nut 17 or part 15b of collar 15? If it is referring to part 15b, then it is unclear how this portion is "releasable from the remainder of said fixed member"? If it is referring to nut 17, it is unclear how the plug/injector "having a portion confronting said portion of said fixed member in a direction parallel" to the longitudinal axis of the orifice. It is noted that the terminology of a fixed member portion has not been found in the specification for any clarification and that both limitations as recited above cannot be met by either expediency. Clarification is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Harada-US Patent # 4,392,082. As to claims 8 and 17, as best understood, Harada discloses a pressure sensitive ignition plug for sensing the internal pressure of a cylinder of an internal combustion engine including cylinder head (1) having a threaded bore (unnumbered) having a wall and an orifice (bore) passing through the wall, and inherently

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having a longitudinal axis, a functional member (insulator assembly 6) used in the operation of the engine for housing central electrode and being disposed, in part, in the bore and extending out of the cylinder head, and being "bodily moveable" since the "displacement" of the assembly 6 is measured (note col. 1, lines 50 et seq.), and further including a fixed member (metallic plug body 2) fixed to the wall via threads 4 and screw portion 27 outside the bore, where the assembly 6 has a portion (around and above diameter 14 portion confronting the body 2 portion 3 in a direction parallel the longitudinal axis, and pressure sensitive means (pressure sensor 17) disposed between the fixed member and confronting portion to detect pressure changes in the head by displacement of the insulator assembly, see col. 2, lines 50 et seq and fig. 1. Further, note that the screw 27 is externally exposed and appears to be capable of being released since it is referred to as a "fixing screw". As to claim 9, all the portions appear to be annular given the view of fig. 2. As to claims 10 and 11, note the view of fig. 1. As to claim 12, as best understood, again note fig. 1 where the portion of the fixed means and confronting portion above the cylinder head have a diameter greater than that of the bore. As to claim 13, as best understood, the confronting portion and the sensitive means and part of the fixed means are disposed outside of the orifice. As to claim 14, note the threading of the fixed member 2 which is separate

from the operating member 6. As to claim 15, note the functional member is not screwed in the orifice. As to claim 16, the functional member is part of a spark plug.

5. Claims 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed-US Patent # 5,712,424. As to claims 8, 16 and 18, as best understood, Reed discloses a device for measuring engine cylinder pressure including fuel injector/functional member (fuel injector 12) inserted in cylinder wall (cylinder head 14) having orifice (sleeve 32) leading to internal combustion engine (38), fixed member(studs 20, 20sg) with portions (crosspiece 36, washer 24, stud nut 22, etc) outside of the orifice, with portions of injector 12 confronting the studs 20 in a direction parallel to the axis of the sleeve, pressure sensitive means (strain gauge 50) between the confronting portion and fixed member portions which are releasable via stud nut 22 so that the fuel injector/functional member can be replaced, see fig. 1 and col. 7, lines 40 et seq. As to claim 9, portions appear to be annular given the view of fig. 1. As to claim 10, the pressure sensitive means appears to be on a side opposite of the wall. As to claim 11, the confronting portion is on a side opposite the wall. As to claim 12, note the diameters in fig. 1 which are greater than sleeve 32 diameter. As to claim 13, note fig. 1 where all the items listed are outside the orifice. As to claim 14, note nut 22 allowing for detachment and removal of the

injector 12. As to claim 15, the injector is not screwed in the sleeve. As to claims 17 and 19, not crosspiece 36 and nut 22.

Response to Arguments

6. Applicant's arguments with respect to claims 8-19 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 7/9/08 have been fully considered but they are not persuasive. With regard to the 112 rejection, applicant has indicated that p.2, lines 33-35 explain what is being referred to as the fixed member portion. However, from that recitation, there is no explanation what the fixed member portion is and how it meets both limitations referred to in the rejection. As to the argument that Harada does not disclose the insulator member as a spark plug. Such an argument is not found persuasive since claim 8 merely refers to a "functional member" rather than a spark plug, etc.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event

a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. S. F./

Examiner, Art Unit 2856

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856